

**Notice of Allowability**

Application No.

09/977,154

Examiner

Anu Ramana

Applicant(s)

WEST, HUGH S.

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 20, 2005.
2. ☒ The allowed claim(s) is/are 1-18, 20, 21 and 23-34.
3. ☒ The drawings filed on 12 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____  |

Art Unit: 3732

### **EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Attorney of Record, John Guynn, on June 1, 2005. See attached Interview Summary Form.

The application has been amended as follows.

In the claims:

In claim 21, line 3: insert - - fully - - between "a" and "threaded" to better define Applicant's invention.

In claim 24, line 3: insert - - fully - - between "a" and "threaded" to better define Applicant's invention.

In claim 25, line 7: after "bone tunnel," and before "in order, " insert - - the interference screw including a proximal threaded section and a distal threaded section, the proximal threaded section having a greater diameter than the distal threaded section and the distal threaded section having a greater length than the proximal threaded section - - to better define Applicant's invention.

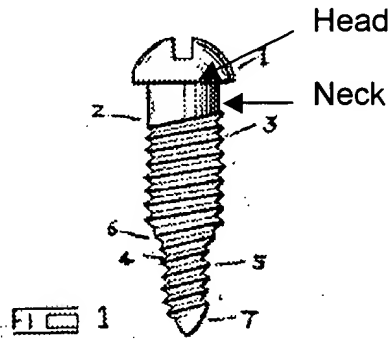
In claim 29, line 3: insert - - fully - - between "a" and "threaded" to better define Applicant's invention.

Upon further consideration and review of Applicants' arguments, the Examiner is withdrawing the new matter rejection made in the office action mailed on April 7, 2005 because Figure 7 shows a distal section 72 that is longer than a proximal section 74.

The Examiner is also withdrawing the rejection of claim 34 under 35 USC 103(a) over Miller (US 2,383,019) in view of Rieser et al. (US 6,387,129) made in the office action mailed on April 7, 2005 for the following reasons.

Art Unit: 3732

Although Miller discloses that the head 1 of screw can be omitted (col. 1, lines 28-32), this does not eliminate the neck portion (see marked up Figure 1 below). Thus, the shank of the Miller screw is not fully threaded from a proximal end to a distal end. Further, Miller does not disclose that the distal section 4 is longer than the proximal threaded section.



The following is an examiner's statement of reasons for allowance.

None of the prior art fairly teaches, discloses or suggests Applicant's invention of an interference screw that has a fully threaded body extending from a proximal end to a distal end, a distal threaded section with a constant diameter that is less than an average diameter of the proximal end wherein the proximal and distal threaded sections have the same pitch.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached at (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR *Anuradha Kamara*  
June 1, 2005

*Kevin Shaver*  
KEVIN SHAVER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700